

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES
RESOLUTION
THE PUBLIC TRUST DOCTRINE
IN FISH AND WILDLIFE CONSERVATION

WHEREAS, the Public Trust Doctrine is the keystone component of the North American Model of Fish and Wildlife Conservation; and

WHEREAS, with origins in ancient, as well as contemporary common law, it mandates that fish and wildlife resources are to be held in trust by government for the benefit of present and future generations of all citizens; and

WHEREAS, in the United States, the common law basis is the Supreme Court decision in *Martin v. Waddell* (41 U.S. 367, 1842); and

WHEREAS, the Doctrine has been manifested in each state and province through their respective legal codes that charter fish and wildlife agencies; and

WHEREAS, in order for the Doctrine to be effective as law, certain parameters must be met; and

WHEREAS, the public must be made aware of this Public Trust, and it must be enforceable against the government, and it must be adaptive to contemporary concerns; and

WHEREAS, public ownership of fish and wildlife has come under challenge in recent years, and all indications suggest these challenges will increase; and

WHEREAS, case law on the Public Trust suggests that fish and wildlife agencies cannot rely on the courts to uphold the Trust; and

WHEREAS, focused proactive efforts to solidify and strengthen the Trust are warranted.

NOW, THEREFORE, BE IT RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to cooperatively fund and staff development of a strategic plan for strengthening the Public Trust Doctrine among member states and provinces.

BE IT FURTHER RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to facilitate, in cooperation with The Wildlife Society and The Association of Fish and Wildlife Agencies, the legal analysis of Public Trust status in member states and provinces.

BE IT FURTHER RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to communicate the existence and importance of the Public Trust Doctrine to internal and external stakeholders.

BE IT FURTHER RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to advocate, using all available communication tools, reinforcement of hunting as a legitimate use of wildlife consistent with the Public Trust Doctrine.

BE IT FURTHER RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to conduct outreach to demonstrate the highest standards of ethics and respect for wildlife, and reinforce the value of democratic access to wildlife in a free society.

BE IT FURTHER RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to engage universities and other academic institutions to encourage inclusion of the Public Trust Doctrine and related principles in fish and wildlife curricula.

BE IT FURTHER RESOLVED that the Western Association of Fish and Wildlife Agencies has agreed to publish the 2006 annual conference plenary session proceedings as a stand alone reprint to facilitate outreach and education concerning the Public Trust Doctrine.

Adopted in Convention
Bismarck, North Dakota
July 26, 2006